

NO. 1, FALL 1990	1-88
NO. 2, WINTER 1990	89-168
NO. 3, SPRING 1991	169-248
NO. 4, SUMMER 1991	249-348

A

- "Acceptance of Family Mediation in Australia, The," 265-279
- Alternative dispute resolution (ADR): Australia, 266-268, 273; and English family mediation, 258; ideology, 51-52.
- See also Dispute resolution; Mediation
- Alternative to Violence Project (AVP), 117
- Anger: diffusion, 185; and failed dreams, 187-188; functions, 186; and grief, 186; and lingering attachments, 189-190; postdivorce period, 187; rational vs. emotional 185, 187; responsive, 188-189; and separation and loss, 186-190. See also Emotional issues
- Araki, C. T., "Dispute Management in the Schools," 51-62
- Articles: "The Acceptance of Family Mediation in Australia," 265-279; "Challenges Facing the Development of Family Mediation in Israel," 281-291; "The Common Core of Mediation," 73-82; "Dispute Management in the Schools," 51-62; "Divorce and Conciliation in Sweden and Scotland," 293-301; "Emotional Anger and Grief in Divorce Mediation," 185-197; "Family Functioning Level and Divorce Mediation Outcome," 3-13; "Family Mediation in England: Strategies for Gaining Acceptance," 253-264; "Is Mediation Less Expensive? Comparison of Mediated and Adversarial Divorce Costs," 15-26; "Mediating the Breakup: Do Children Win?" 199-210; "Mediating Postdecree Disputes," 171-183; "Mediation and Domestic Violence: A Call for Collaboration," 39-50; "A Mediation-Counseling Approach to Marriage Crisis," 137-149; "Mental illness and Labeling in Mediation," 151-159; "Negotiation as a Therapeutic Technique in Brief Couples Therapy," 211-223; "The Physics of

- Mediation: Reflections of Scientific Theory in Professional Mediation Practice," 91-113; "The Power of Mediation," 115-124; "Private Agreements in Residential Development Disputes," 225-237; "Recommendations for Divorce Mediation with Chaotically Adaptable Family Systems," 125-136; "Resolving Conflict Between Farmers and Creditors: An Analysis of the Farmer-Creditor Mediation Process," 63-72; "Understanding Community Dispute Resolution," 27-37
- Attorneys: attitudes toward (Australia), 277; consulting, and divorce mediation, 22-23; family law (Australia), 271-272; family law (Israel), 286-287; fees, 19-20; and postdecree dispute mediation, 181-182
- Australia: Commonwealth Powers Acts, 266; community justice centers, 273-274; conciliation procedures, 266-268; economic vs. family values, 338; family law, 266; Family Law Act, 267, 276; family law mediation, 270, 271-272, 275; Family Mediation Program, 275, 276-277; marriage counselors, 267-268; Matrimonial Causes Act, 266, 267; vs. North America legal structures, 265-267; values regarding children, 336
- Australia, family mediation: alternative approaches, 273-275; association growth, 271; attitudes toward, 277-278; community justice model, 269, 273-274; court-affiliated, 274-275; government funding, 269, 271; new developments, 276-277; new initiatives, 272-273; pilot projects, 269-270; and precourt processes, 272; resistance to, 278; specialized, 274
- ## B
- Bailey, B., "A Mediation-Counseling Approach to Marriage Crisis," 137-149
- Bargaining: hard/soft, 217. See also Negotiation
- Bartoletti, M. D., "Hands-On Mediation Training in a Private-Practice Setting," 239-247

- Bautz, B. J., "Mediating the Breakup: Do Children Win?" 199-210
- Benjamin, R. D., "The Physics of Mediation: Reflections of Scientific Theory in Professional Mediation Practice," 91-113
- Bias. *See* Mediators: bias
- Brief couples therapy: and internal belief system, 213-214; and interpretation, 212-215; intervention style, 213; Israelstam's model, 214-215; and negotiation process, 215, 217-221. *See also* Brief psychotherapy; Counseling
- Brief psychotherapy: goal, 212; origins, 211. *See also* Brief couples therapy; Counseling; Psychotherapy
- Britain, family mediation: acceptance, 262-263; agreement (settlement) rates, 311-313; authoritative control, 308-309, 322; classification, 307-309; client satisfaction, 313-316; communication improvement, 317-318; Conciliation Project Unit (CPU) study, 305-322; court-based, 306-308; effectiveness, 321-322; Family Mediators' Association fee-for-service model, 257, 258; Finer Committee report, 256, 296, 306; future, 263; goal accomplishment, 317; growth, 256-257; independent, 306-308; issues, 310-311; and judicial system, 256; lack of coordination, 257-258; and legal system, 258-259; mediator usefulness, 317; new legislation, 259-260; obstacles, 261-262; and private sector, 257; psychological impact, 318-320; research on children in mediation, 339; and sector rivalry, 257-258; terminology, 261; and voluntary charitable welfare sector, 256-257
- Bütz, M. R., "Negotiation as a Therapeutic Technique in Brief Couples Therapy," 211-223
- C**
- Canada, mediation in (case study), 239-247
- "Challenges Facing the Development of Family Mediation in Israel," 281-291
- Chaos theory, 93
- Chaotic adaptability: and Circumplex Model, 130-131; literature review, 126-128; and mediation, 131-134; stuckness dynamics, 128-130
- Charlesworth, S., "The Acceptance of Family Mediation in Australia," 265-279
- Child custody: Britain, 258-260; and maintenance advance (Sweden), 295-296; and mediated vs. adversarial divorce (study), 200-209; state laws, 200; Sweden/Scotland, 295, 300; type (by state), 203; Uniform Standards of Practice for Court-Connected Child Custody Mediation, 329. *See also* Child support; Children
- Child support, 204-205, 207, 209, 295-296 (Sweden)
- Children: changes in American attitudes toward, 332; and conciliation (Sweden/Scotland), 296-297; cross-cultural expressions of valuing, 330-331; cross-cultural needs/rights, 334-335; cross-cultural values regarding, 335-338; custody issues (England), 258-260; decision making on life issues, 328; and divorce, 208-209; empowerment, 331-333; and family laws, 333; and maintenance advance (Sweden), 295-296; in mediation, how to include, 329-330; in mediation, research, 339-340; in mediation, when not to include, 327; in mediation, when to include, 326-328; and postdecree dispute mediation, 176; rights (Sweden/Scotland), 295; views and economic variables, 338-339. *See also* Child custody; Child support
- Circumplex Model (family functioning), 4-7, 130-131
- Clients: chaotically adaptable, 131-135; and interns, 244; mentally ill, 155-158; satisfaction (Britain), 307-309; stress/anxiety, 179-180
- Cloke, K., "Conflict Resolution Systems Design, the United Nations, and the New World Order," 343-348
- "Common Core of Mediation, The," 73-82
- Community dispute resolution: centers, 31; collaborative nature, 34; conceptualizations, 30-32; criticisms, 29; goals, 27-28; ideological categories, 28; research access, 32-33; research agenda, 34-35; research findings, 29; research goals, 34

- Community justice centers (Australia), 273-274
- Community Mediation Program (CMP) of Our Town Family Center (Tucson, Ariz.), 40-41, 47
- Community mediation programs, and domestic violence, 45-46
- Computers, and mediation information network, 35
- Conciliation: Australia, 266-268; Finer Committee report (Britain), 256, 296, 306; vs. mediation (England), 261; Scotland, 296-299; Sweden, 296-299. *See also* Mediation
- Conciliation Project Unit (CPU), University of Newcastle upon Tyne (England), 305
- Conflict: and conflict resolution system design, 343-344; and family system life cycle, 104; and mediation myths, 118-119; multifaceted nature, 172; mythological model, 118-122; nature, 30
- Conflict resolution: myth, 118-119; new model, 94
- Conflict resolution systems design: basis, 343-344; principles, 344; and United Nations, 344-345
- "Conflict Resolution Systems Design, the United Nations, and the New World Order," 343-348
- ConflictNet, 35
- Corlyon, J., "Family Mediation in Britain: A Comparison of Service Types," 305-323
- Counseling: approaches, 144; characteristics, 143-144; and mediation, 143; types, 143-144. *See also* Brief couples therapy; Brief psychotherapy; Psychotherapy
- Counselors, 144
- Criminal justice, and domestic violence, 39-42
- Csiernik, R., "Mediation and the Workplace: Creating an Awareness Within Employee Assistance Programs," 161-167
- Curtis, F. A., "A Mediation-Counseling Approach to Marriage Crisis," 137-149; "Private Agreements in Residential Development Disputes," 225-237
- D
- "Dispute Management in the Schools," 51-62
- Dispute Management in the Schools Project (DMSP): case study, 52-62; disputant attributes, 56-57; dispute attributes, 57-59; mediator attributes, 55-56; theoretical bases, 51-52
- Dispute resolution: community, 27-35; computer network, 35; conceptual framework, 30-31; and conflict, 30; new formalism, 30-31; postdecree, 171-183. *See also* Alternative dispute resolution (ADR); Mediation
- Divorce: adversarial model, 199; adversarial vs. mediated, 199-200; (study), 16-25; and anger, 186-190; Britain, 254-255, 260; and child custody (study), 200-209; complexity, 20-21; do-it-yourself, 83; extent of disagreement, 21-22; and family systems approach, 4; and grief, 190-194; in Israel, 283, 285-286; legislation (England), 255, 260; psychological impact/variables, 22, 318-320; in Scotland, 293-296; and stuckness, 128-130; in Sweden, 293-296
- "Divorce and Conciliation in Sweden and Scotland," 293-301
- Divorce mediation: vs. adversarial divorce (study), 16-25; anger diffusion goal, 185; benefits, 216; and consulting attorneys, 22-23; and family functioning level (study), 7-13; and grief, 192-194; vs. law firm divorce, 83-87; and negotiation, 215-216; objectives, 216; and postdivorce relationship, 206-207; purpose, 199; reasons for using, 203-204; systemic approach, 4; and tribal warfare, 173
- Domestic violence: and community mediation programs, 45-46; and effective criminal justice response system (case example), 39-42; and empowerment of women, 45; and mediation, 42-46; and mediator training, 46-47; network, 39
- Domestic Violence Diversion Program (Pima, Ariz.), 41
- Dukes, F., "Understanding Community Dispute Resolution," 27-37

E

- Emery, R. E., "Emotional Anger and Grief in Divorce Mediation," 185-197
- "Emotional Anger and Grief in Divorce Mediation," 185-197
- Emotional issues: clients', 179-180; in mediation, 172; mediators', 182. *See also* Anger; Grief; Stress
- Empathy, mediator, 80
- Employee Assistance Programs (EPAs), 161-167; and information dissemination, 163-166; and mediation, 166-167
- England: charitable welfare sector, 256-257; Children Act, 259, 336; children in mediation, 340; Conciliation Project Unit (CPU), 305; divorce, 254, 260; Divorce Reform Act, 255, 260; divorcing families, 255-256; economic vs. family values, 338-339; family court structure, 256; Family Mediators' Association (FMA), 257; marriage breakdown, 255; marriage law, 253-254; National Family Conciliation Council (NFCC), 258; values regarding children, 336-337, 340

F

- Families and Divorce Questionnaire (FDQ), 201
- Family: breakdown (England), 255-256; chaotic vs. rigid, 12
- Family counseling bureau (FCB) (Sweden), 297
- "Family Functioning Level and Divorce Mediation Outcome," 3-13
- Family mediation: Canada, 239-240; training program, 240-247. *See also* Australia, family mediation; Britain, family mediation; Israel, family mediation
- "Family Mediation in Britain: A Comparison of Service Types," 305-323
- "Family Mediation in England: Strategies for Gaining Acceptance," 253-264
- Family systems: chaotic adaptability, 126-135; Circumplex Model, 4-7, 130-131; and mediation (study), 4; and mediation theory, 103-104; and mental illness, 151-152
- Farmer-creditor mediation: background,

63-64; limitations, 71-72; mediators, 67-70; party characteristics, 69-70; research, 64-65; study, 65-71

Forum for Initiatives in Reparation and Mediation (FIRM), 123

Fund for Research on Dispute Resolution, 35

G

- Garwood, F., "Divorce and Conciliation in Sweden and Scotland," 293-301
- Grief: and anger, 186; and attachment theory, 191; and children of divorce, 208-209; and mediation, 192-194; postdivorce, 191-192; stages, 191; theories, 190-191, 193. *See also* Emotional issues

H

- "Hands-On Mediation Training in a Private-Practice Setting," 239-247
- Hard/soft bargaining, 217
- Hill, R. M., "Mediating the Breakup: Do Children Win?" 199-210
- Honeyman, C., "The Common Core of Mediation," 73-82

I

- Internal belief system (IBS), 213-214
- Internship programs: and client reactions, 244; committees, 245-246; learning milieu, 244-245; logistical issues, 241-242; selection/supervision, 242-243
- Interpretation: of defense/resistance, 212-213; as intervention technique, 211-212
- "Is Mediation Less Expensive? Comparison of Mediated and Adversarial Divorce Costs," 15-26
- Israel: Divorce Act, 286; family law, 284-286; Israel Association for Marital and Family Therapy and Family Life Education (IAMFT), 290; judicial system, 283-284
- Israel, family mediation: challenges, 290-291; clients, 289-290; current status, 281-282; factors favoring, 282; and family law attorneys, 286-287; finan-

cial resources, 288; ideological commitment, 288; and judicial system, 283-284; mediator attitudes/practices, 287-288; obstacles, 282-289; public education need, 288-289; and religious/secular law, 284-286; training needs, 288

J

Jacob, L. C., "Mediating Postdecree Disputes," 171-183

K

Kelly, J. B., "Is Mediation Less Expensive? Comparison of Mediated and Adversarial Divorce Costs," 15-26

L

"Law Firm Divorce: Yes, There Is a Better Way," 83-87
Legal positivism, 99
Logical positivism, 98-99, 102-103
Loss. See Grief

M

McCarthy, P., "Family Mediation in Britain: A Comparison of Service Types," 305-323
Marital crisis resolution, mediation-counseling model, 145-148
Marriage mediators, 137
Marshall, T. F., "The Power of Mediation," 115-124
Mathis, R. D., "Family Functioning Level and Divorce Mediation Outcome," 3-13; "Mediating the Breakup: Do Children Win?" 199-210; "Recommendations for Divorce Mediation with Chaotically Adaptable Family Systems," 125-136
"Mediating Postdecree Disputes," 171-183
Mediation: authoritative, 276; bringing a matter to, 86; and building agreement, 84; and chaos theory, 93; and chaotically adaptable clients, 131-135; characteristics, 138-143; children in, 325-341; and communitarian vision, 118-

119; community justice model, 269, 273-274; computer network, 35; costs vs. adversarial costs (study), 16-25; and domestic violence, 42-47; and emotional issues, 172; and Employee Assistance Programs, 166-167; failure, 3-4, 11; family systems perspective, 131; five-stage process, 216-217; and hard/soft bargaining, 217; ideology, 123; improving effectiveness, 11-13; initiating, 86; international, 116; maximizing, 86; measures of success, 122; and mentally ill clients, 155-158; mythology, 118-119; and negotiation, 215-216; phases, 138-139; and positive reinforcement, 85-86; rationale, 138; and residential development disputes, 230-236; and resolving small differences, 84-85; school programs, 53-54; social control argument, 115-117; and state child custody laws, 200; and student disputes, 54-55; systemic definition, 4; techniques, 141-143; traditional model, 83-85; traditional model vs. reality, 121-122; and United Nations, 347-348; workplace, 161-167. *See also* Alternative dispute resolution (ADR); Conciliation; Divorce mediation; Family mediation; Farmer-creditor mediation; Mediation practice; Postdecree dispute mediation
"Mediation and Domestic Violence: A Call for Collaboration," 39-50
"Mediation and the Workplace: Creating an Awareness Within Employee Assistance Programs," 161-167
Mediation practice: and classical physics, 98, 102-103; constraints, 94; development, 91-92; and legal positivism, 99; and logical positivism, 98-99, 102; and modern science developments, 98-99; and myths/metaphors, 102-103, 106; new theory, 103-106; origins, 93; and paradigm shift, 96-97; and professional practice, 107-108; professionalization, 110-111; and quantum mechanics/relativity theory, 101-102, 105; reflective assumptions, 107-108; and reflective paradigm, 108-110; and scientific inquiry, 92-95, 97-98; and subjective/objective knowledge, 105; and systems theory perspective, 96-

- Mediation practice (*continued*)
 97; technical-rational vs. reflective, 107-108; and technical rationality, 98-99; traditional paradigm, 99
- Mediation techniques: and alternative solutions, 142-143; and human problem solving, 141-142; and procedural problem solving, 142
- "Mediation-Counseling Approach to Marriage Crisis, A," 137-149
- Mediation-counseling model, 145-148
- Mediator monologues, 180
- Mediators: balance of abilities, 76-77; behavior parameters, 79-82; bias, 153-154, 158; and chaotically adaptable clients, 131-135; distraction, 76, 81; domestic violence training, 46-47; as educators, 178; effective, 55-56; empathic, 80; farmer-creditor, 67-69; grief strategies, 193-194; hierarchy of functions, 77-78; investigation, 79-80; liberating, 118; management of interaction, 81; marriage, 137; neutrality, 64, 115, 118, 120-121, 140, 153-154, 181; persuasiveness, 80-81; postdeed dispute mediation roles, 177-178; powerlessness, 118-119; and premediation activities, 47, 67-68; as problem solver, 177-178; problem solving, 80; qualities, 139-141; responsibilities, 122-123; skill expansion, 78-79; skill parameters, 74-75; stress, 182; substantive knowledge, 81-82; telephone contact, 180-181; as therapist, 178-179
- Mental health practice paradigm, 100
- Mental illness: family systems approach, 152; and marriage, 152; and mediation (case example), 155-158; myths, 153; stereotyped imagery, 153-154; theories, 151-152
- "Mental Illness and Labeling in Mediation," 151-159
- Myths/metaphors: fairness, 102; finality, 103, 106; logical positivist, 103, 106; mediation, 118-119; mental health profession, 103; mental illness, 153

N

- Negotiation: goals, 217-218; as intervention technique, 215-221; interventions (clinical illustration), 218-221; and

- Israelstam's model, 215; and mediation, 215-216; process, 216-217
- "Negotiation as a Therapeutic Technique in Brief Couples Therapy," 211-223
- Negotiativeness scale, 219-220
- Neutrality. *See* Mediators: neutrality
- New world order, 347

P

- Paradigms: mental health practice, 100; reflective (mediative), 107-110; scientific inquiry and professional practice, 97-98; shift, 96-97; traditional practice, breakdown, 100-101
- Phillips, B. A., "Law Firm Divorce: Yes, There Is a Better Way," 83-87
- "Physics of Mediation: Reflections of Scientific Theory in Professional Mediation Practice, The," 91-113
- Postdeed dispute mediation: and attorneys, 181-182; caucus, 173; and children, 176; and client stress/anxiety, 179-180; mediator roles, 177-178; meeting sequencing, 174-177; problem areas, 171-172; strategies, 172-173; techniques, 177-182; timing, 177; and trust building, 175-176
- Postdivorce relationship, 191-192, 206-207
- Power: mediation and social, 115-116; mediator lack, 118-119; and mental illness, 154
- "Power of Mediation, The," 115-124
- Premediation approaches, 47, 67-68, 86, 134, 138
- "Private Agreements in Residential Development Disputes," 225-237
- Professional practice. *See* Mediation practice: and professional practice
- Program on Conflict Resolution (PCR) (University of Hawaii at Manoa), 51
- Psychotherapy: and depth work, 213; and English family mediation, 258; and interpretation, 212-215; and negotiation, 215-221. *See also* Brief couples therapy; Brief psychotherapy; Counseling

Q

- Quantum/relativity theory, 101

R

- "Recommendations for Divorce Mediation with Chaotically Adaptable Family Systems," 125-136
- Research and Practice: "Conflict Resolution Systems Design, the United Nations, and the New World Order," 343-348; "Family Mediation in Britain: A Comparison of Service Types," 305-323; "Hands-On Mediation Training in a Private-Practice Setting," 239-247; "Law Firm Divorce: Yes, There Is a Better Way," 83-87; "Mediation and the Workplace: Creating an Awareness Within Employee Assistance Programs," 161-167; "The Value of Children in Mediation: A Cross-Cultural Perspective," 325-342
- Residential development disputes: Bob Martin Construction Co. (case study), 226-228; and environmental issues, 225-226; Frontenac Leaseholds (case study), 228-232; mediation agreements, 231-232, 233-236; mediation process, 230-231; outcomes, 228, 232
- "Resolving Conflict Between Farmers and Creditors: An Analysis of the Farmer-Creditor Mediation Process," 63-72
- Retzinger, S. M., "Mental Illness and Labeling in Mediation," 151-159

S

- Saposnek, D. T., "The Value of Children in Mediation: A Cross-Cultural Perspective," 325-342
- Science: defined, 94; normal, 96; paradigm, 95-96; philosophy, 95; and scientism, 92-93
- Scientific inquiry, 92-95, 97-98, 104-105
- Scotland: children in mediation, 340; children's rights, 334; Scottish Association of Family Conciliation Services (SAF-COS), 258, 297-298, 299
- Scotland, conciliation: and children, 296-297; current practice, 296; development, 296; services, 297-298, 300-301
- Scotland, divorce: and children's rights, 295; and custody issues, 294-295, 300; grounds, 293-294; law/procedure, 294, 299; rate, 293
- Screening/assessment methods. See Pre-mediation approaches
- Simpson, B., "Family Mediation in Britain: A Comparison of Service Types," 305-323
- Social control: and mediating structures, 117; and mediation, 115-117; suppressive vs. liberating, 117
- Social research: methodology, 32-33; problems, 32
- Somary, K., "Emotional Anger and Grief in Divorce Mediation," 185-197
- Southern Arizona Task Force on Domestic Violence, 39
- Stark, E. G., "Hands-On Mediation Training in a Private-Practice Setting," 239-247
- Stress: clients', 179-180; mediators', 182. See also Emotional issues
- Students, and mediation, 54-55
- Sweden, conciliation: and children, 296-297; current practice, 296; development, 296; and family counseling bureau (FCB), 297; future, 299; research/monitoring, 298-299; services, 297-297, 300-301; training, 298
- Sweden, divorce: and children's rights, 295; and custody issues, 294-295, 300; grounds, 293-294; law/procedure, 294, 299; and maintenance advance, 295-296; rate, 293
- Systems theory, and professional practice, 96-97

T

- Technical rationality, 98-99
- Training: domestic violence, 46-47; family mediation (case study), 240-247. See also Internship programs

U

- "Understanding Community Dispute Resolution," 27-37
- Uniform Standards of Practice for Court-Connected Child Custody Mediation, 329
- United Nations: and conflict resolution systems design, 344-345; conflict res-

United Nations (*continued*)

- olution techniques, 345-347; and Gulf War, 348; Institute on Training and Research (UNITAR), 345; and mediation, 347-348; and new world order, 347; and worldwide problems, 343
- United States: children in mediation, 340; court-based mediation research, 339; values regarding children, 337-338

V

- "Value of Children in Mediation: A Cross-Cultural Perspective, The," 325-342
- Van Hook, M. P., "Resolving Conflict Between Farmers and Creditors: An Analysis of the Farmer-Creditor Mediation Process," 63-72

W

- Walker, J. A., "Family Mediation in Britain: A Comparison of Service Types,"

305-323; "Family Mediation in England: Strategies for Gaining Acceptance," 253-264

Women, and domestic violence, 45

Workplace mediation, 161-167

Y

Yellott, A. W., "Mediation and Domestic Violence: A Call for Collaboration," 39-50

Yingling, L. C., "Family Functioning Level and Divorce Mediation Outcome," 3-13; "Recommendations for Divorce Mediation with Chaotically Adaptable Family Systems," 125-136

Z

Zaidel, S., "Challenges Facing the Development of Family Mediation in Israel," 281-291

